

### Remarks/Arguments

Claims 1-6 are pending in this application.

The Examiner has rejected claims 1 and 5 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,618,705 to Wang et al. ("Wang"). Applicant respectfully traverses this rejection. For a proper rejection under Section 102, the Examiner must demonstrate that the identical invention is "shown in as complete detail as contained in the....claim," and that the elements are "arranged as required by the claim...." M.P.E.P. § 2131. The Examiner has failed to meet this burden.

Claim 1 is directed to determining, communicating, generating, and settling a payment initiated by a buyer "without the transaction being initiated by the merchant." Wang teaches a merchant 30 and a server 32 of the merchant 30. Wang recites "[w]hen a product displayed on a particular merchant website on the server 32 is determined to be by the buyer to be purchased and the buyer indicates a desire to submit credit card information, the buyer is shifted to the payment server 33." Thus, the merchant's server 32 initiates the transaction and the transaction does not represent a buyer initiated payment. Further, Wang does not teach an "acquirer being an entity that buys credit card receipts from the merchants," as recited in claim 1. Claim 1 cannot be anticipated by Wang. Claim 5 recites features similar to claim 1 and is patentably distinguishable over Wang for the same reasons mentioned above with respect to claim 1.

The Examiner has rejected claims 2 and 6 under 35 U.S.C. §103(a) as being unpatentable over Wang in view of U.S. Patent No. 6,098,053 to Slater ("Slater"). This rejection is respectfully traversed. The Examiner bears the burden of factually supporting a conclusion of obviousness. M.P.E.P. § 2142. In order to establish the obviousness of a claim, the Examiner must consider *all* of the claim recitations. M.P.E.P. § 2143.03. Since claim 2 depends from claim 1 and claim 6 depends from claim 5, Applicant's arguments above apply equally to claims 2 and 6. The Examiner looks to Slater only for teaching as to addressing the difference between credit and debit payments. However, Wang is still lacking with respect to teachings corresponding to the recitations of the base claim. Claims 2 and 6 are submitted to be patentably distinguishable over Wang and Slater.

The Examiner has rejected claim 3 under 35 U.S.C. §103(a) as being unpatentable over Wang in view of U.S. Publication No. 2002/0116332 to Sanchez ("Sanchez"). Applicants

submit that Sanchez is not enabling so as to provide enough disclosure to enable one skilled to make and use the invention. As such, Sanchez cannot be used as prior art against Applicant's invention. Further, the Examiner has failed to show that teachings corresponding to *all* of the claim recitations are present in or suggested by the prior art. The Examiner looks to Wang for the teachings regarding an acquirer computer system and for the teachings connected with generating the transaction without the merchant initiating the transaction. As previously discussed, Wang initiates the transaction and the transaction does not represent a buyer initiated payment. The Examiner admits that Wang does not teach a computer system associated with an entity that buys credit card receipts from merchants, but instead relies on Sanchez. However, Sanchez only deals with a financial institution purchasing negotiable instruments (i.e. checks) from the seller. Sanchez does not teach or suggest buying "credit card receipts." Credit card receipts are completely different than negotiable instruments (i.e. checks or orders to pay). Negotiable instruments are governed by Article 3 of the Uniform Commercial Code (UCC), which does not govern credit card receipts.

The Examiner has rejected claim 4 under 35 U.S.C. §103(a) as being unpatentable over Wang in view of Sanchez and further in view of Slater. Claim 4 recites limitations similar to those recited in claims 2 and 6. Thus, claim 4 is allowable for the same reasons mentioned above with regard to claims 2 and 6. Additionally, claim 4 is dependent from claim 3 and is allowable for the same reasons claim 3 is allowable.

Applicants believe they have responded to the Examiner's concerns, and that the application is in condition for allowance. Reconsideration of this application as amended is hereby requested.

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